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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

27 UNITED STATES OF AMERICA,) No. 4-13-70494-MAG
28)
29 Plaintiff,) AMENDED STIPULATION AND ORDER
30) TO CONTINUE PRELIMINARY
31) HEARING AND EXCLUDE TIME
32) UNDER THE SPEEDY TRIAL ACT AND
33) RULE 5.1
34 AHUIZOTL MENDOZA-BAHENA,)
35)
36)
37)
38 Defendant.)
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41 An arraignment or preliminary hearing is currently scheduled in the case on June 19,
42 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the
43 Court enters this order scheduling an arraignment or preliminary hearing date of July 17, 2013 at
44 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the
45 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
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47 Amended Stip. Req. to Continue Preliminary
48 Hearing and Exclude Time, No. 4-13-70494-
49 MAG

1 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 19, 2013 to July 17, 2013. The
2 parties are still waiting for the DEA laboratory to finish testing the alleged contraband in this
3 case. The completed reports will be important to the parties in their attempt to resolve the case.
4 Therefore, the parties agree, and the Court finds and holds, as follows:

5 1. The defendant is in custody.

6 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
7 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
10 preliminary hearing.

11 4. Counsel for the defense believes that postponing the preliminary hearing is in his
12 client's best interest, and that it is not in his client's interest for the United States to indict the
13 case during the normal 21-day timeline established in Rule 5.1.

14 5. The Court finds that, taking into the account the public interest in the prompt
15 disposition of criminal cases, these grounds are good cause for extending the time limits for a
16 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
17 the Court finds that the ends of justice served by excluding the period from June 19, 2013 to July
18 17, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C.
19 § 3161(h)(8)(A).

20 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
21 hearing date before the duty magistrate judge on July 17, 2013, at 9:30 a.m., and (2) orders that
22 the period from June 19, 2013 to July 17, 2013, be excluded from the time period for preliminary
23 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations

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3 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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5 IT IS SO STIPULATED:

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7 DATED: June 6, 2013

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10 _____
11 /S/
12 AARON D. WEGNER
13 Assistant United States Attorney

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15 DATED: June 6, 2013

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18 /S/
19 JOHN PAUL REICHMUTH
20 Counsel for defendant

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22 IT IS SO ORDERED.

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24 June 7, 2013

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